

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

BRAUN GmbH,

Plaintiff,

v.

RAYOVAC CORPORATION,

Defendant.

Civil Action No. 03-CV-12428-WGY

MOTION TO AMEND THE FIRST AMENDED COMPLAINT

Pursuant to Rule 15 of the Federal Rules of Civil Procedure, Plaintiff Braun GmbH (“Braun”), respectfully requests leave of the Court to amend its First Amended Complaint. The Second Amended Complaint is attached hereto as Exhibit 1. In support of its motion, Braun states as follows:

1. On December 3, 2003, Braun filed its Complaint, alleging that Defendant Remington Products Company, LLC (now Rayovac Corporation or “Rayovac”) infringed its patents as a result of its sale, offer for sale, manufacture, and/or importation of the Titanium Smart Shaver, a cleaning device for rotary dry shavers.

2. On September 13, 2004, Braun filed its First Amended Complaint, alleging that Defendant Rayovac’s new product (also called Titanium Smart shaver), introduced in or about September 2004, infringed its patents as a result of its sale, offer for sale, manufacture, and/or importation of the new Titanium Smart Shaver, a cleaning device for foil dry shavers. The First Amended Complaint also sought to correct inventorship to add Dr. Dietrich Pahl as an co-inventor on the patents-in-suit.

3. In or about May 2005, Braun obtained a sample of a new product that Rayovac was introducing, called the Smooth & Silky Titanium System.

4. This new product is a cleaning device for women's foil shavers. The design of the product is identical in all material respects to the two shaver cleaners for men (one rotary shaver and one foil shaver), which Braun had already informed Rayovac infringed the patents-in-suit. Nonetheless, despite Rayovac's knowledge of Braun's position and of Braun's patents-in-suit, Rayovac introduced this new product into the market.

5. Rayovac's new cleaning device for women's foil shavers also infringes Braun's patents-in-suit.

6. Thus, Braun seeks leave to amend its First Amended complaint to add allegations related to the infringement by Rayovac's new product.

7. Rayovac does not object to this motion.

Wherefore, Braun respectfully requests leave of the Court to file a Second Amended Complaint.

Braun GmbH

By its attorneys,

/s/ Dalila Arguez Wendlandt

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Dated: June 27, 2005

CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1

I hereby certify that I, as counsel for Plaintiff, conferred pursuant to Local Rule 7.1, with counsel for Defendant, who does not object to the motion.

/s/Dalila Argaez Wendlandt

Dalila Argaez Wendlandt